

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MELODY GRIFFITH,

Plaintiff,

vs.

No. CIV 08-838 LFG

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY FEES
UNDER EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff Melody Griffith's Motion for Attorney Fees Under Equal Access to Justice Act ("EAJA"), filed October 20, 2009 [Doc. 21]. Plaintiff seeks \$4,285.85 in attorney fees under EAJA. The Commissioner filed a Response [Doc. 22], indicating he does not object to payment of the award, nor to the amount requested.

On September 17, 2009 the Court entered a Memorandum Opinion and Order, granting Plaintiff's Motion to Reverse and remanding this case to the Commissioner for further proceedings, along with a Judgment [Docs. 19, 20]. Plaintiff Griffith is therefore the "prevailing party" for purposes of the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). Shalala v. Schaefer, 509 U.S. 292, 300-02 (1993).

Order

IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney Fees Under EAJA

[Doc. 21] is granted, and Plaintiff Melody Griffith is authorized to receive \$4,285.85 for payment to her attorneys for services before this Court.

Lorenzo F. Garcia
Lorenzo F. Garcia
United States Magistrate Judge